

Untitled

D. T. E. 99-99

TO: SUBPOENA DUCES TECUM

GREETINGS:

YOU ARE HEREBY REQUIRED, in the name of the Commonwealth of Massachusetts, to respond to the following questions by the close of business (5:00 PM) Thursday, March 2, 2000. All answers should be supplied to the Department at its offices at One South Station, 2nd Floor, Boston, MA 02110. This Subpoena Duces Tecum is issued under the authority of G.L. c. 30A, § 12 and G.L. c. 25, § 5A as well as 220 C.M.R. 1.10(9) of the Procedural Rules of the Department.

It has come to the Department's attention that a Chapter 159 common carrier subject to the jurisdiction of the Department has been approached by a second carrier also engaged in the business of utilizing numbering resources in the Commonwealth and has been offered the opportunity to purchase from that carrier an unused NXX code. The Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008, provide that carriers shall activate NXXs within six months of the "initially published effective date" (See § 6.3.3). Section 8.1 of the Guidelines further states that "the entity to which a CO Code(s) has been assigned shall return the CO Code(s) to its administrator if: (1) it is no longer needed by the entity for the purpose for which it was certified and assigned; (2) the service it was assigned for is disconnected; or (3) the CO Code(s) was not activated within the time frame specified in these guidelines." The FCC, in its order granting Massachusetts authority to implement various area code conservation methods, directed the NANPA to abide by the Department's determination to reclaim an NXX code if the Department is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines (See FCC 99-246, Paragraph 23). Therefore,

Did the respondent named in this subpoena approach any other Chapter 159 carrier with an offer to "sell" or otherwise convey an NXX? If the answer is affirmative, state the reasons why you are currently in possession of an NXX code(s) that you have not activated and/or no longer need for the purpose for which the code(s) was certified and assigned in the 508, 617, 781, and/or 978 NPAs.

If the respondent named in this subpoena was approached in the manner described in Question 1, please so state. If the answer is affirmative, state the name of the carrier that made the offer to "sell" or convey an NXX and describe, in detail, the surrounding circumstances of that event.

If the respondent named in this subpoena is currently in possession of an NXX code(s) not activated as of the date of this subpoena and/or no longer needed for the purpose for which the code(s) was certified and assigned in the 617, 508, 781, and/or 978 NPAs, state the number of such codes in your possession.

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Be advised that under G.L. c. 268, § 6 whoever shall wilfully make false reports to the Department of Telecommunications and Energy with intent to deceive the Department shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both such fine and imprisonment. Accordingly, in answering the questions stated above, describe not only approaches or contacts made directly by one carrier to another but also approaches or contacts made through an agent or intermediary.

HEREOF FAIL NOT, as you will answer your default under the pains and penalties in the law in that behalf made and provided.

Dated this twenty-fourth day of February, 2000.

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Kevin F. Penders Notary Public

Department of Telecommunications & Energy

MY COMMISSION

EXPIRES \_\_\_\_\_